

CHILD NUTRITION AND FOOD DISTRIBUTION DIVISION MANAGEMENT BULLETIN

No.: 99-204

FROM: **CHILD CARE FOOD PROGRAM**

ISSUE DATE: **FEBRUARY 1999**

TO: **CHILD CARE FOOD PROGRAM SPONSORS**

SUBJECT: **LIMITED DISCLOSURE OF CHILDREN'S FREE AND REDUCED PRICE MEAL OR
FREE MILK ELIGIBILITY INFORMATION (SP 99-3 & CACFP 99-2)**

This bulletin disseminates the United States Department of Agriculture's (USDA) guidance regarding *Limited Disclosure of Children's Free and Reduced Price Meal or Free Milk Eligibility Information* (attached). The Healthy Meals for Healthy Americans Act of 1994 allows limited disclosure of information about free and reduced price meal or free milk eligibility. Written consent is still required for eligibility information beyond that specifically allowed by law. Providing aggregate information that does not identify individuals continues to be permitted.

Disclosure Permitted Without Consent

USDA recommends, but does not require, that determining agencies inform households if they plan to disclose or use eligibility information outside the originating program. Determining agencies are not required to disclose eligibility information. Those that decide to disclose information that identifies individuals must follow these guidelines.

1. Determining agencies may disclose, without consent, only participants' names and eligibility status and only to those directly connected with the administration or enforcement of the following programs:
 - Federal education programs;
 - State health or education programs that are administered by a State agency or local education agency; and,
 - Federal, State, or local means-tested nutrition programs with eligibility standards comparable to the National School Lunch Program.
2. Determining agencies may disclose, without consent, all eligibility information obtained through the eligibility process to the following:
 - Persons directly connected with the administration or enforcement of programs authorized under the National School Lunch Act (NSLA) or Child Nutrition Act (CNA) of 1966 including: National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, Summer Food Service Program, and the Special Supplemental Nutrition Program for Women, Infants, and Children;

(OVER)

- The Comptroller General of the United States for purposes of audit and examination; and,
- Federal, State, or local law enforcement officials investigating alleged violations of any of the programs under the NSLA and CNA or investigating violations of any of the programs authorized to have access to names and eligibility status discussed above.

Disclosure Requiring Written Consent

The disclosure of participants' names and any eligibility information that identifies them individually to programs or individuals not specifically authorized by the NSLA requires written consent. Programs that may request such information for which prior consent is required include:

- Federal health programs;
- Local health and education programs and other local level activities; and,
- Any other Federal, State, or local program or individual not specifically included in the statute.

Requirements for Consent Statements

The consent statement must:

- Identify the information that will be shared and how the information will be used;
- Be signed and dated by the parent or guardian of the applicant, if applicant is a child, or by the adult participant or, if a guardian has been appointed, his guardian;
- State that failing to sign the consent statement will not affect program eligibility or participation; and,
- Allow the parent/guardian/adult to limit consent to only those programs with which he wishes to share information.

Requirements for Disclosure of Social Security Numbers

The notice must inform households of the additional intended uses of the social security number.

Required Agreements

Before disclosing or using any information for purposes other than the program for which the information was obtained, USDA recommends a written agreement between the sending and receiving agencies. However, the receiving agency must be informed in writing that eligibility information may only be used for the purpose for which the disclosure was made.

An agreement is not needed for Federal, State or local agencies evaluating or reviewing Child Nutrition Program (CNP) operations because these activities are part of routine CNP operations and enforcement.

If you have any questions regarding this Management Bulletin, please contact Teresa Cantrell, Child Care Food Program Analyst, at (916) 323-1582, or toll free at (800) 952-5609.

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